



Paper No. 5

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**OFFICE OF PETITIONS**

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In re Application of  
Frumovitz, et al.  
Application No. 10/053,014  
Filed: October 16, 2001  
Attorney Docket No. AFRUM.002A  
FOR: VAGINAL SPECULUM AND PROCEDURE

:  
: DECISION DISMISSING  
: PETITION AS MOOT  
:  
:

This is a decision on the petition under 37 CFR 1.10(e), filed February 20, 2002 (certificate of mailing January 24, 2002), requesting that the above-identified application be accorded a filing date of October 16, 2001.

The petition is **dismissed as moot**.

The Office received the original application papers on January 23, 2002 and processed them with a filing date of October 16, 2001, the date upon which petitioners deposited the application in Express Mail service. This fact is evidenced by the "Notice to File Missing Parts of Nonprovisional Application," mailed March 6, 2002, which stated that a filing date of October 16, 2001 had been accorded to this application.

Regarding finances, payment was stopped on check no. 47092 for \$421.00, which was submitted with the original application papers. Therefore, the Office charged petitioners' deposit account no. 11-1410 the following fees: \$50.00 processing fee for the returned check; \$370.00 for the basic filing fee; \$42.00 for independent claims in excess of three; \$45.00 for claims in excess of twenty; and \$130.00 for the instant petition. The \$130.00 petition fee will be credited to petitioners' deposit account no. 11-1410.

The application is being forwarded to the Office of Initial Patent Examination for further processing.

Any inquiries directly related to this decision should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy